

TITLE: Ethics and Clandestine Collection

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VOLUME: 27 ISSUE: Spring YEAR: 1983

# STUDIES IN INTELLIGENCE



A collection of articles on the historical, operational, doctrinal, and theoretical aspects of intelligence.

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*Some practical considerations*

## ETHICS AND CLANDESTINE COLLECTION

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In the press, in the universities and in public life it has become fashionable in recent years to express concern over the allegedly corrupting effect of service as an intelligence officer responsible for espionage operations: for recruiting, handling, and terminating spies. Sustained personal exposure—so runs the argument—to the heady atmosphere of deceit, secrecy, and violence, actual and threatened, inherent in such operations sooner or later blunts the participant's scruples, undermines his integrity, and calls into question his reliability as a public servant.

Paradoxically, those who express this concern seldom apply the same reasoning to their analysis of other professions. There is little, if any, public comment about service in the military predisposing a person to commit murder. It is difficult to sustain the argument that there is something specially corrupting about espionage when a regular reading of the daily press makes it clear that followers of many other callings—psychiatrists and prosecuting attorneys, bankers, Congressmen, jewel merchants and jockeys (to name only a representative sample)—are all susceptible to corruption in this imperfect world. If we are to take Boccaccio seriously, we must accept that even inmates of convents fall victim from time to time to temptations that undermine the defenses of the flesh and the spirit.

Concern over the probity of career intelligence officers demands attention even where it is a concern induced largely by a misconception of the real nature of clandestine collection activities. The legitimacy of American government depends to a far greater extent than is the case for other Western democracies (especially those whose history reaches back to an era before government derived its legitimacy from the formal consent of the governed) on a consensus among Americans that the actions of their government are consistent with the principles upon which it was founded. The subjection of intelligence activities to Congressional oversight is a striking example of a strongly felt need for such consistency, for the admission of official responsibility implicit in oversight violates one of the oldest traditions of clandestine intelligence activity.

Many factors contribute to the suspect image of the intelligence officer. Some are inherent, arising out of the very nature of espionage, with its connotations of institutionalized deception and the betrayal of trust. The abhorrence inspired by the application of such techniques to the conduct of foreign policy is probably more widespread, deep-seated and genuine among Americans than other peoples, those less materially successful than we have been, less able than we in our relative isolation to cherish comforting illusions about the way the world works.

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Persons sharing this abhorrence and therefore opposed on principle to the involvement of the U.S. Government in clandestine activities have seized on the reports of and leaks from the Pike and Church Committees as confirmation of a thesis that illegal excess and intelligence activity go hand in hand. A wealth of sensational and inaccurate reporting by the media, together with occasional errors of judgment by those in charge of U.S. intelligence, has lent substance to their concerns. Within the intelligence community it has sometimes been difficult to strike a balance between the "can do" attitude that contributes so much to the effectiveness and therefore the morale of a clandestine intelligence service and the obligation placed on all citizens, if we are to avoid damage to the society we are trying to sustain, not to violate gratuitously the principles to which it claims allegiance.

Those skeptical of the value of undertaking clandestine activities on behalf of an open society—and even many of those who are well disposed—have wondered how those responsible can be held accountable for their actions and for the expenditure of government resources placed at their disposal. Indeed, they have asked, how can the public be certain that the circumstances in which the profession is exercised do not somehow place intelligence officers in a privileged position beyond the reach of U.S. law?

Long before Congressional oversight and a host of new legal restrictions, executive orders, and internal regulations came into effect to meet these concerns, experience and reflection had led thoughtful intelligence officers to conclude independently that attention to ethical considerations is a factor of critical importance in the collection of intelligence and the effective handling of agents, in the sound management of personnel in a secret intelligence service, and in the maintenance of a healthy relationship between such a service on the one hand and on the other the remainder of government and the general public. We shall consider these issues separately below.

### Foundation of Trust

Deception is inherent in agent operations, but rare is the agent who will risk his well-being unless there is a positive ethical content in the relationship between him and the service for which he works. If the relationship is to endure, he must have confidence in the organization on whose instructions he is risking so much. Winning that confidence is the necessary precursor to the recruitment of an agent; for at the moment of recruitment, when the agent agrees to cooperate with his intelligence contact in the performance of acts illegal under his country's laws, he is placing his own security and the security of his family in the hands of the recruiter. Maintaining and reinforcing the agent's trust in his new clandestine associate and the service he represents is a major responsibility for the intelligence officer and later for the succession of such officers who over months and even years may direct and support the agent's clandestine activities.

These references to trust may strike a jarring note for readers accustomed to think of recruitment to commit espionage in terms of entrapment first and then coercion. However widespread the use of such techniques may be in spy fiction and among the intelligence and security services of Eastern Europe and

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the Soviet Union—at least in circumstances where they control the ground—their use, in raising ethical difficulties, also would pose serious practical problems for an American intelligence service. Treatment of the impact of their use on personnel management and on the service's relations with the rest of the government and the American public properly belongs later in this article. A discussion of the impact on the relationship between an agent and his case officer belongs here.

Steady nerves, courage, and high motivation are among the qualities on which agents must draw as they carry out their tasks; for the conditions of work oblige them often and for prolonged periods of time to labor in isolation from anyone with whom they can share the secrets of their clandestine employment. They submit to these conditions for various reasons. In most cases it would be simplistic to ascribe their motivations solely to an overmastering need for hard cash. Ideological commitment; the desire for revenge against a system, or against individuals in it whom the agent feels have wronged him; a wish to prepare a future for himself and his family far from his native country; patriotism, even—a conviction that his country's interests can best be served by insuring that the U.S. Government is well enough informed to make intelligent foreign-policy decisions where his country is concerned—any one or more of the foregoing may also apply. Necessarily, however, they are secondary to the agent's trust in the competence and reliability of the person and organization for which he works.

In my experience, an agent, far from collaborating under compulsion, looks to the relationship with his case officer for a release from psychological tension and a sense of comradeship and common purpose in the routine undertakings of a dangerous venture, sentiments that would be vitiated if the relationship depended ultimately on compulsion. In the world of clandestine intelligence operations as elsewhere, positive motivation, not fear, provides a sound basis for a lasting and productive relationship.

An intelligence service's reputation for honoring its commitments is critical to developing and sustaining an agent's confidence and therefore his motivation. The Soviets are well aware of this. Witness the lengths to which they have gone to obtain the release of agents of theirs who have been caught and imprisoned. In the case of George Blake they apparently even arranged his escape from a British prison. Indeed, a serious adverse effect of the Congressional investigations of the mid-1970's, of the stream of books about CIA by disaffected or simply indiscreet former employees, and of the leaks that continue to afflict official Washington today is the fear they arouse in agents and potential agents that the U.S. Government cannot guarantee the confidentiality of their identity.

Secondary in importance for an agent only to the commitment to protect his (or her) identity are commitments on compensation, material or otherwise. The agent needs to believe that on essentials the intelligence officer from whom he takes direction is honest with him and looks after his interests. Honesty in assessing risks is as important as honesty in passing on to the agent any form of material compensation. Dishonesty or evident carelessness on the part of the case officer in handling his agent's financial affairs, by disillusion-

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ing the agent, can dangerously diminish the case officer's ability to influence his actions. Overall, there are many parallels between the relationship of a case officer with his agent and that of a combat officer with his men. In both cases, principal and subordinates are involved in a hazardous undertaking. In both cases, the principal reinforces his control over his subordinates by earning their respect and looking after their welfare. In both cases, situations arise where the subordinate's welfare cannot be the overriding consideration for the principal as he devises and implements a course of action.

The risk implicit in espionage activity and the conditions, often dramatic, under which clandestine contact is maintained tend to foster close personal ties between agent and case officer, ties which can make the agent unusually receptive to the officer's influence on the major decisions of his life. At first glance such a situation would appear to enhance the officer's ability to manipulate his agent. An experienced case officer, however, will immediately recognize the restraints on his freedom of action in this area. The assumption by a case officer of responsibility for decisions affecting the direction of an agent's life is a time-tested recipe for serious problems in the relationship at a later date. For if matters have not gone well for the agent, he will be tempted to blame his case officer, or the service for which the case officer works, or both, for all the ills that have befallen him. Depending on how embittered he has become, the agent may then seek retaliation, or see himself in a position to insist on extravagantly generous compensation for the misfortunes he ascribes to his clandestine relationship.

Inevitably, at some point every agent relationship must be suspended or broken off permanently—"terminated" is the service jargon. The likelihood that the agent faces compromise, his loss of access, his failing health, or simply his desire to retire and enjoy a peaceful old age are prominent among the reasons for terminating a case. Here it needs to be said that whatever the agent's perception may be, constitutional restraints and the dominant value system in American society rule out "termination with extreme prejudice," an obscure and pompous euphemism that I have never come across except in the press. Killing an agent, even a treacherous one, in conditions short of war is not an option.

Given the inhibitions, legal and other, against adopting such an extreme solution, experience teaches that one of the more positive inducements to continued discretion on the agent's part after the relationship ends is his recognition that the service has consistently treated him well, if firmly, responding favorably to his justified requests and faithfully honoring its commitments to him. Unless his judgment is failing he will also realize that lapses in discretion on his part risk embarrassing him even more than they do the service's representatives, for it is he who is vulnerable, as they seldom are, to prosecution or conceivably to some less formal but more efficacious corrective action by the local authorities.

This is not to say that given human nature, agents will not try to exploit for their own benefit, material or otherwise, the service with which they have been in contact. It is to say that on balance, in view of the inherent limitations on an American intelligence service's freedom of action, the service will normally best serve its own ends by dealing with an agent at every stage of his career in a manner that he will perceive to be honest and equitable.

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**Burden of Responsibility**

Clandestine intelligence collection constantly raises ethical issues for the case officer, if for no other reason than that it is his job to direct and support persons engaged in an activity that normally is illegal in the country in which it is undertaken. The responsibility that any principal feels for a subordinate undertaking risky tasks is heightened where failure could result in ruin and the loss of freedom for the subordinate or even in the loss of his life.

Other aspects of the job increase the burden of responsibility. Security concerns usually require a case officer to meet alone with each of his agents—to pass them their instructions and debrief them on their activities or on the information they are reporting; to pay them the salary they have earned; to pass them operational funds; to issue or retrieve equipment. The same concerns often require a case officer to act without direct supervision, with the agent the only other person aware at first hand of what the case officer has done or what he, the agent, has said. It is work that offers a wealth of opportunities for intellectual and fiscal dishonesty.

In the absence of a system of informants within the service, which is the totalitarian way of dealing with this situation, an American intelligence service has to be able to count on the case officer's integrity: for accurate reporting of the information he obtains from his agent; for passage to the agent of all the funds and equipment destined for him; and for an accurate accounting of their use, to the best of the case officer's knowledge. At first sight a mastery of the techniques of clandestine activity, a talent for planning and completing risky undertakings, plausibility, decisiveness, energy, and courage appear to be the principal qualities required of an intelligence officer. Yet individually and together they are worthless if he lacks integrity. Furthermore, as a practical matter the long hours worked, especially abroad, mean that supervisors could not perform the missions assigned them if they had to be preoccupied with questions about the honesty of their subordinates. In short, dishonest reporting is the most serious professional shortcoming in an intelligence officer. An American intelligence service that could not rely implicitly on the integrity of its personnel would be no more than a gang operating under official cognizance.

The degree of dependence of American intelligence on the personal integrity of its employees, shaped and reinforced by the quality of the leadership to which they are subject, has broader and deeper implications for the selection and management of personnel than may at first be apparent. The essential requirement is that the employee accepts without reservation the obligation under which his chosen profession places him, to compartment the deception needed in the conduct of operations from the rest of his professional and personal life. This obligation is not so difficult to meet as it may at first seem to be. To draw a military analogy once again, we are simply asking of the career intelligence officer what we ask of a regular in one of the combat arms: that he restrain himself from using against his comrades and the civilian population it is his mission to defend, the lethal techniques that enable him to win and hold an advantage over the enemy in battle. Experience leads me to believe that a well-defined, unfashionably mid-Victorian set of personal

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standards helps maintain such compartmentation. Cynicism is ultimately disabling. What we look for is a person with a strong sense of right and wrong, combined with a recognition of the inevitability of compromise in a less than perfect world.

Probity and a readiness to accept responsibility for one's actions are essential; and the need for probity applies as much to personal conduct as to the reporting of information and the handling of official funds. No matter how relaxed and sophisticated personal morality may have become in these closing decades of the 20th century, sexual involvement with an agent remains unacceptable from a professional standpoint. In the real world, in contrast to the pulsating world of fictional espionage, an involvement of this sort so diminishes a case officer's ability to assess objectively the agent's circumstances, motivation and security, and can lead to such a loss of influence and therefore of control over the agent's behavior, as to threaten if not destroy the validity of the operational relationship. Similarly, its adverse impact on security, judgment, and professional relationships means that profligate behavior by intelligence service personnel—even where agents, prospective, current, or former are not involved—is fraught with the risk of damage to service interests.

In any organization, including those whose mission is the clandestine acquisition of intelligence, the tone is set by those at the top. Given the legal and social framework within which U.S. intelligence must operate, given the secrecy of much of its work and the necessary freedom from direct supervision of many of its personnel, given the large sums of money that case officers may be called upon to handle and the need for sound judgment, often rendered under stress, on a wide variety of issues, it is more than usually important for senior management to pay attention to the power of example as a factor in its ability to direct and control the activities of its subordinates. Clearly it would be disastrous for the leadership not to hold itself to the same high standards that it rightly must demand of the troops. The partial isolation imposed on intelligence personnel by the secrecy of their profession reinforces the importance of example.

#### A Reputation for Integrity

Secrecy breeds suspicion. To be effective in conducting its relations with the rest of the government and with the American public, quite as much as with its own personnel and agents, a U.S. intelligence service is heavily dependent on a reputation for integrity and responsible behavior. Without such a reputation the chances increase of damaging incidents like the recent acceptance by a New York jury of a defense argument, without foundation in fact, that CIA had sponsored the accused in smuggling arms on behalf of Irish terrorists. In a totalitarian system the actions of the intelligence and security organs of the state are normally not subject to challenge, and the organs themselves have the power to compel the cooperation of other government components and of the general public. In an open system, by definition all official actions are subject to challenge. And specifically in the United States, at least in conditions short of war, the intelligence service needs to be able to

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count on the active goodwill of other components of the government to obtain from them the support it requires to carry out its mission.

Similarly, the credibility of the information that the intelligence service disseminates to its customers and of the judgments it makes on foreign policy issues depends in part on the customers' confidence that the service is self-disciplined and its members honorable: in short, that they tell the truth, without fear or favor. Widespread acceptance in our society of a judgment that the service slanted information or that it endorsed and its personnel habitually implemented courses of action repugnant to generally accepted standards of ethical behavior would quickly call into question the integrity of the service's reporting function. Indeed, the damage could go further. Customers who believe that a service is slanting its reporting or analyses—whether to please the customer, to exaggerate the apparent success of the service, or to promote a desired policy—will not trust any aspect of the work of that service. Linkage may not be universally popular, but it is a fact of life that we disregard at our peril.

Equally serious, such a judgment would threaten the quality and even the degree of support that the service could count on from other government components. The clandestine aspects of an intelligence service's mission make it heavily dependent on such support. The need in an emergency for a rapid response, slicing through bureaucratic obstacles, and the dependence of most intelligence personnel under cover on the cooperation of the genuine employees of the cover organization to sustain that cover are two instances of how the special requirements of a clandestine service call for a service relationship with the rest of government that goes far beyond the implementation of formal administrative agreements. The service needs to be able to elicit the willing assistance of other components and their personnel. It can do so only if its representatives inspire confidence. They inspire it in part by their professional competence as intelligence officers, but above all by an evident awareness of the service's obligation to protect the other components' equities and by their honesty in reaching, and communicating to those concerned, an assessment of the risks incurred in furnishing the requested support. Once again, the service's reputation for honesty, the perceived integrity of its representatives, is essential to the attainment of its operational goals.

My comments on the relationship between a U.S. intelligence service and the rest of the government apply also in substance to the service's relationship with the American public. A general perception that the service is a "rogue elephant," flourishing—<sup>•</sup>itself and its representatives—by adherence to standards antipathetic to the aims and values generally accepted by American society, could only limit the support that the public would be willing to furnish. Such a perception, for example, could make it difficult to attract officer prospects with the personal standards and the academic and professional background needed for a successful career in operations. It could also make it difficult to attract political analysts, scientists, or technical experts of the first rank, for too many would be concerned that their professional reputations could suffer through association. Citizens would be less ready to assist, whether by volunteering the identities of persons of potential value as employees or

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informants, or by furnishing substantive information of intelligence value. Currently CIA can count on many Americans with contacts abroad to provide just such information, some of it of very great worth.

Such a perception could also limit the number of American nongovernmental organizations willing to furnish cover for intelligence officers. There is no shortage today of commercial enterprises prepared for patriotic reasons to provide U.S. intelligence with such assistance, but there could be if they ever had reason to question the credibility and professional competence of the intelligence representatives with whom they deal. Finally, unless the voting public views it with favor, U.S. intelligence cannot hope for the legislative support essential to maintain its capabilities at an adequate level or to provide legal protection against the wrecking activities of American citizens like Agee and Wolf, who seek to exploit the liberties granted them under the Constitution so as to prevent U.S. intelligence from accomplishing its mission.

The conclusions set down in this article are the fruits of personal reflection on over thirty-two years of experience as an operations officer working on clandestine collection, in line and staff positions, under nonofficial and official cover, on assignments in the United States and in seven countries overseas, in Europe, Africa, and South Asia. The reader should not interpret what I have written as an assertion that American intelligence officers are all, like the Chevalier Bayard, *sans peur et sans reproche*. Rather, he should see it as an attempt to describe an approach to the intelligence profession that works—the only one, I happen to believe, that can work over the long term in our society: a standard of conduct to be endorsed even though it cannot always be attained.

That a concern with ethical issues has a practical impact on every aspect of the conduct of clandestine operations by the government of a country such as ours says something about the United States, and that something is creditable. This article will have accomplished its purpose if it leads readers unfamiliar with clandestine operations to look on them with new understanding and helps persuade intelligence officers at all levels of the need to give explicit recognition to the principles on which our services must base their conduct if they are to be the effective instruments of a free society.

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